

Dated: 07/22/11

**UNITED STATES BANKRUPTCY COURT
MIDDLE DISTRICT OF TENNESSEE**

IN RE: : **CASE NO: 10-02347-MFH**
: **CHAPTER: 11**
:
JAMES ALONZO SOWELL :
Debtor :
:
:
:

AGREED ORDER ON OBJECTION TO THE ORIGINAL CHAPTER 11 PLAN

BAC HOME LOANS SERVICING, LP fka COUNTRYWIDE HOME LOANS SERVICING, LP AS SERVICING AGENT FOR WELLS FARGO BANK, N.A., f/k/a WELLS FARGO BANK MINNESOTA, N.A., AS TRUSTEE FOR THE CERTIFICATEHOLDERS OF BANC OF AMERICA ALTERNATIVE LOAN TRUST 2003-10, MORTGAGE PASS-THROUGH CERTIFICATES, SERIES 2003-10, for itself, its successors and assigns (the "Movant"), filed a Objection to Confirmation (the "Objection") which was set for hearing **July 12, 2011** (the "Hearing"). Based upon the agreements and stipulations of the parties, the

pleadings of record, all of the matters brought before this Court, and for good cause shown, the Court finds as follows:

The Court has jurisdiction over this matter pursuant to 28 U.S.C. §157 and §1334, and this is a core proceeding pursuant to 28 U.S.C. §157(b)(2). Venue is proper pursuant to 28 U.S.C. §1408.

BAC is a secured creditor of the Debtors by virtue of a Deed of Trust and Note executed by the Debtors relative to a property located at **7402 BERMUDA DRIVE, CHRISTIANA, TN 37037**.

In connection with confirmation of the Debtors' plan, BAC and the Debtors have agreed to settle and compromise the BAC's Objection pursuant to the terms set forth below and agree to the entry of this Order.

Accordingly, by consent, it is hereby

ORDERED that:

This Order is entered in connection with confirmation of the Debtors' Chapter 11 Plan of Reorganization and sets forth the agreed treatment of the claim of BAC in the confirmed plan. The Debtors shall, and hereby do, amend their plan as to BAC as set forth herein, and the terms set forth herein below shall for all purposes be considered to be terms of the confirmed plan with respect to BAC.

With regard to the claim of BAC, the Plan treatment is modified as follows:

The secured claim of BAC with collateral being **7402 BERMUDA DRIVE, CHRISTIANA, TN 37037** shall be paid in full according to the original terms and at the original interest rate of 5.375%. There is a mortgage arrearage through July, 2011 totaling \$17,842.61. Debtors will be required to cure the arrearage of \$17,842.61 by making payments

to Movant in the amount of \$371.73 for the next forty-eight (48) consecutive months, to be **tendered in addition to the regular monthly mortgage payments** beginning **August 1, 2011**. Said payments shall be categorized as either post-confirmation payments toward the BAC's Indebtedness or as adequate protection, pending confirmation.

The Bankruptcy Court shall not retain jurisdiction of the Property after Confirmation. Default in the terms outlined above shall be handled pursuant to state law and the original terms of the Deed of Trust and Note as they relate to default.

The Debtors shall obtain an order confirming their Chapter 11 Plan or any amendments thereto on or before **July 12, 2011**. If the Debtors fail to obtain an order of confirmation on or before **July 12, 2011**, or if for any reason such confirmation order does not become final within 10 days after it is entered, BAC shall be granted relief from the automatic stay as to the Collateral without the need for further notice, hearing, or proceedings before the Bankruptcy Court.

Once this Agreed Order becomes final and non-appealable, the Bank's Objection will be hereby resolved.

This Order was Signed and Entered Electronically as Indicated at the Top of the First Page.

[END OF DOCUMENT]

Approved for entry by:

/s/ Natalie Brown

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This Order has been electronically
signed. The Judge's signature and
Court's seal appear at the top of the
first page.
United States Bankruptcy Court.